

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION**

JAMES S. DEW, et al.,

Plaintiffs,

v.

E.I. DU PONT DE NEMOURS AND  
COMPANY, et al.,

Defendants.

Case No. 5:18-cv-0073-D

JAMES O'BRIEN, et al.

Plaintiffs,

v.

E.I. DU PONT DE NEMOURS AND  
COMPANY, et al.

Defendants.

Case No. 5:20-CV-00208-D

**ORDER ON JOINT MOTION FOR LEAVE TO TAKE CERTAIN FACT-WITNESS  
DEPOSITIONS AFTER CONCLUSION OF FACT DISCOVERY**

This matter is before the Court on the parties' Joint Motion for Leave to Take Certain Fact-Witness Depositions After the Conclusion of Fact Discovery (the "Motion") pursuant to Rules 6 and 26 of the Federal Rules of Civil Procedure. D.E. 136. For good cause shown, the Motion is GRANTED. The Court hereby ORDERS as follows:

The Plaintiffs in the matters captioned above may take oral depositions pursuant to Rule 30 of the Federal Rules of Civil Procedure of the following five fact witnesses, each of whom is a current or former employee of one or more of the Defendants: Andrew Hartten, Michael Johnson, John Maisch, Kathy O'Keefe, and Alvenia Scarborough (collectively, the "Witnesses"), after the

time for conducting fact discovery otherwise will be concluded in this case on the terms and conditions set forth herein.

With respect to Mr. Hartten, Mr. Johnson, Ms. O’Keefe and Ms. Scarborough, the parties may schedule the depositions to occur at any time prior to the deadline for completing fact discovery in the *CFPUA* Case. With respect to Mr. Maisch, due to personal reasons, the witness is currently unable to present for deposition; however, counsel for Defendants shall let counsel for Plaintiffs know promptly if the situation changes, in which case the parties may reschedule his deposition accordingly.

In the interests of efficiency and minimizing unnecessary burdens on the Witnesses, the testimony obtained from any such fact-witness deposition may be used as discovery in either of the *Dew/O’Brien* Cases and in the separate matter pending before this Court, captioned *Cape Fear Public Utility Authority, et al. v. The Chemours Co. FC, LLC, et al.* (the “*CFPUA* Case”).

Absent a separate agreement among all parties or a Court Order to the contrary, each of these fact-witness depositions of the Witnesses shall be limited to one day of no more than seven hours in total (with counsel for the plaintiffs in the *Dew/O’Brien* Cases and the *CFPUA* Case determining how they will apportion that time among themselves). In the event counsel for Plaintiffs would like more time to depose a particular Witness, the parties will meet and confer. In the event agreement cannot be reached, any of the Plaintiffs may seek assistance from the Court.

Except as provided above, the parties reserve all rights, remedies, objections, immunities, and privileges permitted under the Federal Rules of Civil Procedure or applicable law.

Dated: August 28, 2023

A handwritten signature in black ink that reads "Robert T. Numbers II". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Robert T. Numbers, II  
United States Magistrate Judge